

Appendix H. Heritage Virginia: Summary of the Virginia's United Land Trusts (VaULT) Strategic Plan For Conservation of the Commonwealth's Natural and Cultural Resources

It shall be the policy of the Commonwealth to conserve, develop and utilize its natural resources, its public lands, and its historical sites and buildings. Further, it shall be the Commonwealth's policy to protect its atmosphere, lands and waters from pollution, impairment, or destruction for the benefit, enjoyment, and general welfare of the people of the Commonwealth.

– Virginia Constitution, Article XI,
1950

In November 2000, with funding support from the Virginia Environmental Endowment, Virginia's United Land Trusts (VaULT) was organized to foster greater coordination and communications between land trusts in Virginia, build land trust capacity, and promote high professional standards and to support statewide land conservation efforts.

In its first year VaULT joined forces with two key state natural resources agencies to broaden the base for collaborative land conservation initiatives. The Virginia Department of Forestry conducted a public input process in 2000 with seven public hearings. The comments gathered during that process provided strong impetus for a comprehensive statewide land conservation strategic plan. Summarizing the findings of, DOF's final report in September 2000 noted:

Over and above all other suggestions and concerns was the strong message that conservation easement organizations need to find a way to coordinate and collaborate in their efforts.

Following up on that public input, the Virginia Department of Forestry and VaULT, with assistance from the University of Virginia Institute of Environmental Negotiation, cosponsored a conference in June 2001 to bring together public and private easement-holding organizations operating in Virginia. Four recurring themes emerged during conference discussions:

- Funding for Land Conservation Programs

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- Enhanced Information Management
- New Partnerships for Multiple Purposes
- Planning

In October 2001, the Virginia Department of Forestry, with funding from the U.S. Forest Service Chesapeake Bay Office, awarded a contract to VaULT for the development of the recommended statewide Land Conservation Plan. In December 2001, the Department of Conservation and Recreation established the Office of Land Conservation to serve as the information clearinghouse. Shortly thereafter, a DCR-VaULT Memorandum of Agreement was signed to further support collaborative efforts.

VaULT's Linking Lands Project

With assistance from the Department of Forestry and the Department of Conservation and Recreation, VaULT presented six regional workshops throughout the state in the spring of 2002 to facilitate cooperative public-private projects and identify regional priorities for land conservation. These workshops were a joint effort of Virginia's United Land Trusts and numerous conservation partners including: Virginia Department of Forestry, Virginia Department of Conservation and Recreation, Virginia Outdoors Foundation, Virginia Department of Game & Inland Fisheries, Virginia Department of Historic Resources, Scenic Virginia, and Preservation Alliance of Virginia. Additionally, representatives of the Virginia Farm Bureau Federation attended every workshop and provided valuable input.

The six *Linking Lands Regional Workshops* produced specific measurable results in the form of prioritized recommendations for regional and local land conservation actions by land trusts and/or public agencies. These recommendations provide a regional data base layer upon which Virginia's green infrastructure can be built on, as described below. The recommendations will also assist land trusts in setting their own organization's land protection priorities.

Setting Priorities

The *Linking Lands Workshops*, which included recommendations of the 2002 Virginia Outdoors Plan, developed priority recommendations for regional and local land

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conservation actions by land trusts and/or public agencies. Using the regional information, a picture of statewide priorities emerged that made it possible to prepare comprehensive strategies for land conservation actions and the linkages between local, regional and statewide initiatives. The priority resources are briefly described below.

1. Natural Areas

Protection of Virginia's extraordinary wealth of globally, nationally and regionally significant natural areas ranked highest among all priorities identified by workshop participants, garnering almost twice the votes of the next highest priority.

2. Farms and Forests

In all of the regions the protection and retention of private agricultural and forested lands were considered important. In all but the most urbanized areas they were among the top priorities. Many participants saw these lands as integral to the character of their community. They were not satisfied with the prospect that the farms and forests would become museum pieces, but sought to identify ways and means to make them economically viable components of their communities.

3. Water Corridors: Greenways, Blueways, Riparian Buffers, Scenic Rivers

From the perspective of the private land trusts, acquiring easements and other land conservation practices adds value to the Commonwealth's efforts to protect the quality of state waters. The critical need to protect and improve the Commonwealth's water quality and supply was consistently cited as a high priority by workshop participants.

4. Parks and Trails

Workshop participants frequently mentioned the value of public parklands --not only as repositories for important natural and cultural resources, but also as places to provide environmental education and outdoor recreation opportunities such as camping, boating, fishing, swimming, hiking, sports and general active play. The trails discussion focused mostly on the longer state or region-wide trails such as the Appalachian Trail, the Potomac National Heritage Scenic Trail, the Washington and Old Dominion Trail and The New River Trail and Blueway. Local trails such as the Difficult Run Stream Valley Trail and the Rivanna Heritage Trail provide valuable recreational opportunities in local and regional parklands.

5. Scenic Resources

Participants focused on three varied aspects of the scenic highways and byways. First was the need to designate existing highways as scenic and protect the travel corridors for their scenic value. Second was an interest in obtaining easements and using other conservation practices to protect scenic vistas. Third interest was the protection of the roads from additional development that would *significantly* change their character and add to sprawl in the communities.

6. Historic Resources

As with the natural areas, workshop participants consistently identified significant historic places, events, personages, landscapes and archeological sites as being important to protect from loss to the community. Efforts were envisioned where the land trusts would use conservation measures to buffer the existing historical properties as well as recognizing the need to set aside additional properties that are currently unprotected.

Virginia's Land Trusts: Strategies and Action Recommendations

When Virginia's United Land Trusts set out to develop a strategic plan for achieving the Commonwealth's statewide land conservation goals, it did so with the support and encouragement of conservation partners in state and local government agencies as well as land trusts operating at national, state and local levels. The recommended strategies, therefore, reach beyond the private land trust community to embrace the unique strengths and capabilities of both the private and public sectors. These strategies represent a consensus of what resources are needed to achieve the land conservation goals to which the land trust community is committed.

The strategies are grounded in three basic premises:

1. Land conservation practices are consistent with economic stability goals and are integral to ensuring the kinds of communities in which all Virginians wish to live, work and play.
2. Existing land conservation tools and practices, State statutes, and local planning and zoning processes –when effectively applied – provide a significant opportunity to conserve and protect important natural, historical and recreational resources.

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3. Adequate funding in support of land conservation goals is essential for success; and it is clear that the funding will generate additional dollars in value for the dollars invested. Funding sources can be leveraged to a significant degree by providing a stimulus to private, local and federal sources.

Five interrelated strategies are proposed, with accompanying action recommendations for The Virginia General Assembly, state and local government agencies, and private conservation organizations. The strategies cover (A) building a Virginia Land Conservation System, (B) education, (C) strengthening land trusts, (D) creating partnerships, and (E) funding.

Strategy A. Build a Virginia Land Conservation System

There is currently no systematic method or protocol for determining where available resources should be focused or distributed. A Virginia Land Conservation System (VLCS) would identify priorities and provide opportunities for land trusts and other conservation partners to use their resources in the most efficient ways. Such a statewide framework for land conservation would also enable the Commonwealth to allocate its fiscal resources most effectively and to maximize coordination and shared priorities while empowering and supporting regional and local leaders to work toward their own goals as well as the statewide system goals.

The framework and goals for a Virginia Land Conservation System should include the following, at a minimum:

1. Include all natural, cultural, historical and recreational resources and their functional roles, such as biological research, protection of water quality or commercial uses;
2. Plan for participation by all stakeholders. This would include public, private, non-profit and individuals at all levels; and
3. Focus resources made available for this initiative toward an explicit set of priorities that are set forth in the land conservation system.

The proposed three-tiered framework for a Virginia Land Conservation System is designed to maximize the resources and implementation capabilities found at the state, regional and local levels. It is comprised of a statewide level – Green Infrastructure; a

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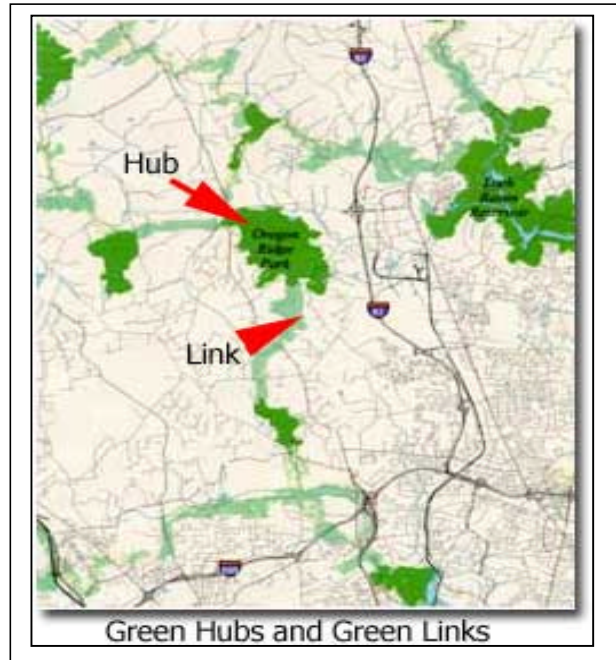
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regional level – Heritage Areas; and a local level – Community Framework. These are briefly described below.

Green Infrastructure (Statewide Level)

Green Infrastructure planning is the foundation of a Virginia Land Conservation System, underlying, and scalable to state, regional and local land conservation efforts. Typically, a Green Infrastructure system is comprised of “**Hubs and Corridors.**” Hubs are large areas – hundreds or thousands of acres in size – that are vital to maintaining the state’s ecology. They serve to prevent the shrinking and fragmentation of undeveloped open space and maximize the ecological potential of Virginia’s landscape. Corridors provide protection for the movement of wildlife and plant life across the landscape (ecological corridors), recreational access for rural and urban populations (trails,) and enhancement or restoration of water quality (riparian corridors.)



Heritage Areas (Regional Level)

The Heritage component of the proposed Virginia Land Conservation System functions at the regional level. One of the key precepts of this element is that the culture of an area is derived from the natural resources that were the foundation of its growth and development.

While emphasizing the importance of conserving unique and significant natural resources, the regional Heritage component places an equal emphasis on conserving the cultural landscape. The Shenandoah Valley with its small villages interspersed with broad expanses of farmland and Civil War battlefields, is a prime example of a Heritage Area. Heritage Areas also connect resource protection efforts to tourism and economic development. Through regional partnerships and public grassroots planning strategies,

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these resources can be identified, protected, enhanced and promoted to strengthen regional economies through increased tourism, creation of new jobs and stimulation of public-private partnerships for new investment opportunities. This holistic approach to planning ensures that the industrial legacy of a region – and the cultural, educational and recreational values inherent to it – are preserved for future generations.

Community Framework (local level)

The third tier of the proposed Virginia Land Conservation System is grounded in local communities. In this approach the state becomes a major source of technical knowledge and assistance and enables the local communities to address the conservation of natural and cultural resources in the context of state and regional priorities. Issues such as economic viability and sustainability can be tied to efforts to protect the community's natural and cultural resources and quality of life. For example, the popular and successful Living Towns program sponsored by the Virginia Department of Historic Resources, the Virginia Main Street Program of the Virginia Department of Housing and Economic Development, and the Heritage Tourism initiative of the Virginia Tourism Corporation, demonstrates how historic preservation and economic development can be integrated to sustain the character and viability of community. Watershed planning for drinking water protection combines land conservation with public health and economic development benefits. Communities may take action within their own boundaries to ensure that their uniquely characteristic resources are protected. They may band with other communities to conserve regionally significant natural and cultural resources are conserved.

Strategy A. Recommendations for Establishing a Virginia Land Conservation System

Virginia's land trusts, localities, and the Commonwealth should work together to:

- 1. Build a Virginia Land Conservation System that integrates Green Infrastructure, Heritage and Community components; assume responsibility for its implementation.**
- 2. Set the goal of 1 million conserved acres by 2007 to include properties protected by private land trusts as well as state agencies.**
- 3. Expand the Virginia. Conservation Land Assessment to complete coverage of the entire state.**
- 4. Distribute the VCLA and Conservation Lands Data Base GIS mapping and data base to all Planning District Commission and Local Jurisdictions**
- 5. Update the VCLA and CLDB on a continual basis.**
- 6. Integrate planning and documentation of the VA Land Conservation System through design of a baseline template for use by public agencies and land trusts**
- 7. Appoint VaULT representative to the Virginia Land Conservation Foundation Board and Technical Committee**
- 8. Protect and manage Virginia's Green Infrastructure as a core government service at state and local levels**
- 9. Support local land use planning and zoning that incorporates Green Infrastructure principles along with social and economic development considerations.**
- 10. Coordinate all federal funding sources to focus on priority land conservation projects**
- 11. Increase land conservation and land use planning technical capacity of rural Planning District Commissions**

Strategy B: Educate the Stakeholders

It was a consensus opinion among Linking Lands Regional Workshop participants that IF landowners fully understood the land conservation options available to them; legislators and the general public were knowledgeable about the economic, social and cost benefits of land conservation; and appointed and elected officials responsible for local land use and zoning decisions understood the value of green infrastructure to their constituents and community character, THEN land conservation practices would become the standard rather than the exception in community and state planning and funding priorities.

Smart Conservation is Smart Growth

A basic premise of this Plan is that land conservation practices are consistent with economic stability goals and are integral to ensuring the kinds of communities in which all Virginians wish to live, work and play. Old ideas that pit “conservationists” against “developers” should be discarded in favor of a new paradigm that more accurately reflects economic realities, *i.e.*, that (1) the three top generators of revenue and jobs in the Commonwealth – agriculture, forestry and tourism – all depend on the conservation of Virginia’s natural and cultural resources and “working lands,” and (2) studies consistently show that open space and agricultural lands require only \$0.30 - \$0.75 in public services for every \$1 of tax revenue collected, whereas residential development requires between \$1.19 - \$1.75 in public services for every \$1 of taxes paid.

Strategy B. Recommendations for Educating the Stakeholders

Virginia’s land trusts, localities and the Commonwealth should work together to:

- 1. Appoint a Task Force to plan, design and implement an Educational/Marketing Campaign for Land Conservation (to include VaULT, DCR, DOF, VDACS, DHR, Va. Tourism Corp., Farm Bureau agencies and private sector experts.**
- 2. Create a basic, standardized multi-media “Conservation Tool Kit” for broad distribution throughout the state distribution and use by all Virginia land trusts and state.**
- 3. Initiate transfer of Natural Heritage Program database information to qualified organizations and governmental units**
- 4. Fund the Virginia Natural Resources Leadership Institute as a continuing program**
- 5. Create a complimentary Land Conservation Institute to teach the principles of green infrastructure and other economic and land-use planning tools to foster community solutions that support state conservation goals**
- 6. Sponsor local workshops on land conservation options**
- 7. Design software for a simplified generic “build out analysis” and other economic cost-benefit tools for use by private as public planners**

Strategy C: Strengthen the Capacity of Land Trusts

Approximately 80 percent of permanently conserved lands over the past decade have come through private land conservation actions; and more than half of the private nonprofit land trusts now operating in the Commonwealth have been chartered in the same period. These two facts speak volumes about the effectiveness of private land conservation efforts and the major role that land trusts are taking in protecting the Commonwealth's significant natural, cultural, scenic and recreational resources and conserving working farm and forest lands.

Strategy C. Recommendations to Strengthen Land Trust Capacity ***Virginia's land trusts, localities and the Commonwealth should work together to:***

- 1. Schedule local and regional training for land trust Boards, staff and members for improved operations.**
- 2. Require adoption of Land Trust Alliance Standards and Practices as a prerequisite for VLCF funding or co-holding of easements with state agencies.**
- 3. Ensure that all conservation easements negotiated comply with IRS 501(c) 3 standards.**
- 4. Establish a protocol to provide land trusts with access to state agency databases to strengthen local planning efforts.**
- 5. Provide technical assistance, including access to GIS mapping and other land use planning tools, to local land trusts, particularly in rural areas.**
- 6. Design a template for documentation of significant conservation values for use by land trusts and public agencies to benchmark progress in building the Green Infrastructure.**
- 7. Establish VaULT as the organizational element for collaboration between land trusts.**
- 8. Encourage state agencies to co-hold conservation easements with private land trusts.**

Strategy D: Build Partnerships

Creating partnerships for effective land conservation and resource protection is a core principle underlying the establishment of Virginia's United Land Trusts. A key element of that principle is to build a continuum of public and private organizations, each working on their own priorities, that link together local, regional and state land conservation efforts. Partnerships may focus on a particular natural resource, education or a regional interest.

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Strategy D: Recommendations for Building Land Conservation Partnerships

Virginia's land trusts, localities and the Commonwealth should work together to:

- 1. Implement the regional priorities identified at the *Linking Lands Workshops***
- 2. Appoint VaULT to be a partner in the Governor's Natural Resources Summit Partnership**
- 3. Initiate partnerships with local Farm Bureaus and forestry organizations to conserve working lands**
- 4. Participate in Watershed Roundtables to develop local watershed plans that include the full array of land conservation options**
- 5. Generate partnerships between land trusts and major business and industry leaders**
- 6. Include local and regional land trusts in Regional Economic Partnerships and Rural Prosperity Program initiatives**

Strategy E: Funding

First, last, and always, funding is everyone's most urgent land conservation strategy. Funding is the commodity in greatest demand and least supply in the Commonwealth. Virginia ranks very low among the nation's states in per capita funding for parks, open space and the protection of significant natural and cultural resources. The other side of the coin is that the Commonwealth's tax incentives for land protection are among the very best in the nation. The gains in land protection statewide over the past decade have come primarily through private land conservation efforts rather than through the investment of public funds; but these efforts alone cannot keep pace with the rate at which open space is being converted to other more intensive land uses. Funding is urgently needed for:

- Meeting our Chesapeake Bay commitment of permanently protecting 20% of the watershed by 2010
- Preservation of threatened and endangered wildlife habitats
- Purchase of Development Rights on working lands

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- Water quality improvement in Virginia's rivers and the Chesapeake Bay
- Protection of irreplaceable archaeological and historic resources
- Virginia Outdoors Foundation
- Management of state parks, forests, and wildlife management areas that provide recreational opportunities for a growing population

This recommended strategy focuses on new sources or mixes of funding that will enable the available funds to be used to greatest effect. Proposed funding mechanisms include (1) general taxes and fees, (2) resource related taxes, and (3) specific tax incentives. Each type is discussed below.

1. General Taxes and Fees

State and local General Obligation Bonds – In November 2002 the State Parks and Natural Areas Bond Referendum was approved by 69% of voters. Citizens have demonstrated a willingness to use bond funds to support initiatives that they perceive are managed effectively and have positive benefits for their communities. A state bond that offers matching funds to land trusts and local jurisdictions, and is predicated on an equitable distribution system can engender support for local bond referenda to support land conservation efforts.

Real Estate Transfer and Recordation Taxes or Fees – At the state level, the portion of these taxes returned to the General Fund are seen as the most logical and consistent funds to create a dedicated source of funding for land conservation. Since most Virginia localities are funded primarily through property taxes, the opportunity also exists to allow the local governments to use a small percentage of real estate transfer taxes or property recordation taxes to fund local land conservation priorities.

License Plate Sales – This initiative has been institutionalized with the increase in license plate fees beginning in July 2002 to fund the Quadra centennial for Jamestown, with additional funds going to conservation funding. The program should be continued after the 2007 event with all funds going for land conservation purposes.

Tax Check Off – Taxpayers receiving refunds are currently given the option of allocating a certain portion of the refund to a variety of programs. Programs related to land conservation could be consolidated to a single "line item" on the tax form with taxpayers given the option of designating funding for statewide or local programs. Alternatively, as part of collecting income tax from citizens, an option could be provided to indicate up to a certain amount of taxes to be spent on land conservation.

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Tipping Fees – This involves a fee for each ton of solid waste that is deposited in the landfills of Virginia. The threefold objective of imposing such a fee would be to 1) encourage recycling and thereby reduce the amount of solid waste entering Virginia’s landfills; 2) provide funding to localities to close hazardous landfills and mitigate their environmental impact; and 3) thereafter, provide additional funding for land conservation activities in the locality where it is collected or for statewide purposes.

Gas Taxes – A tax collected from the sale of each gallon of gas could be used in a manner similar to the Federal TEA 21 program. A small percentage could be collected and dedicated to the overall land conservation effort. Other options include a tax on marine or diesel fuels.

Sales Tax Revenue – Although not currently a practice in Virginia, other states have allowed communities to dedicate a portion of their sales taxes revenues to land conservation efforts. Variations on this idea include allowing two or more counties share the sales revenues between them, or working through the Planning District Commissions on regional priorities.

Alternative Energy Taxes – As alternative energy sources continue to grow they can be taxed at the exchange point. For example, closed landfills that are mined for methane gas production could be taxed for each cubic foot of gas generated. Similarly a solid waste incinerator that is generating electric power could be taxed for its output and utilities that buy back externally produced power from non-traditional sources such as solar, steam or wind powered generators could pay a tax accordingly.

2. Resource-related Taxes and Initiatives

Virginia Conservation Passport – A Virginia Conservation passport that would function like a National Park Service Golden Eagle Passport could be sold to citizens who would pay a determined amount for the passport, which would authorize them to gain free access to fee areas at State Parks and participating local parks. Funds would be used to support land conservation programs for state and local land conservation and resource enhancement projects much as the hunting and fishing licenses do now.

Sales Taxes on Recreation-Related Equipment – An additional sales tax on selected recreation-related equipment associated with biking, camping, hiking, hunting, fishing, sports, and perhaps even such items as boats, sport utility vehicles (SUVs), recreational vehicles (RVs) and off-road vehicles (ORVs) could be imposed. These funds would be used for land conservation, resource enhancement and other outdoor recreation facilities.

Tourism Taxes – This category of taxes would include hotels, restaurants, car rentals and similar use taxes. A small percentage of these taxes could be dedicated to the land conservation priorities, which are integral to supporting the tourism industry in Virginia.

Cell Phone Tax – A tax, similar to the one imposed on land line telephones to fund implementation of the E911 phone system, could be imposed on cell phone usage. The City of Virginia Beach currently funds its Agricultural Reserve Purchase of Development Rights Programs through a cell phone tax.

Toll Dollars for Conservation – On roads and bridges that open up previously rural areas to more intensive development, the toll amount could be increased to fund land conservation activities in that region to balance growth pressures.

Water and Sewer Fees – Given the value of land conservation practices in protecting drinking water supplies and general water quality a tax could be levied on water and sewer bills by the local water and sewer agencies. These funds could be used to protect watersheds and riparian resources.

3. Specific Tax Incentives

Property Tax Abatements for Conservation – Amend the current “use value” property tax to provide for permanent land use valuation of properties under conservation easement, regardless of county ordinances.

Implement tax breaks for performance of BMPs – Allow developers and businesses that initiate and maintain Best Management Practices (BMPs) on their lands to receive a tax abatement.

Increase Rental/Lease or Permit Fees for the Virginia Marine Resources Commission (VMRC) and the Department of Game and Inland Fisheries – Establish a small percentage increase in the VMRC and DGIF fees for use in conservation of land and water resources.